

By Senator Torres

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1 A bill to be entitled
2 An act relating to the Agreement Among the States to
3 Elect the President by National Popular Vote;
4 providing for enactment of the agreement; providing a
5 method by which a state may become a member state;
6 requiring a statewide popular election for President
7 and Vice President of the United States; establishing
8 a procedure for appointing presidential electors in
9 member states; providing that the agreement becomes
10 effective upon the occurrence of specified actions;
11 providing for the withdrawal of a member state;
12 requiring notification of member states when the
13 agreement takes effect in a nonmember state or when a
14 member state withdraws from the agreement; providing
15 severability; providing definitions; providing an
16 effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20 Section 1. The Agreement Among the States to Elect the
21 President by National Popular Vote.—The Agreement Among the
22 States to Elect the President by National Popular Vote is hereby
23 enacted into law and entered into by this state with all states
24 legally joining therein in the form substantially as follows:

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26 Article I

27 Membership.—Any State of the United States and the District
28 of Columbia may become a member of this agreement by enacting
29 this agreement.

15-01744-21

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58Article II

Right of the people in member states to vote for president and vice president.—Each member state shall conduct a statewide popular election for President and Vice President of the United States.

Article III

Manner of appointing presidential electors in member states.—Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a “national popular vote total” for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the “national popular vote winner.”

The presidential elector certifying official of each member state shall certify the appointment in that official’s own state of the elector slate nominated in that state in association with the national popular vote winner.

At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within

15-01744-21

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59 24 hours to the chief election official of each other member
60 state.

61 The chief election official of each member state shall
62 treat as conclusive an official statement containing the number
63 of popular votes in a state for each presidential slate made by
64 the day established by federal law for making a state's final
65 determination conclusive as to the counting of electoral votes
66 by Congress.

67 In event of a tie for the national popular vote winner, the
68 presidential elector certifying official of each member state
69 shall certify the appointment of the elector slate nominated in
70 association with the presidential slate receiving the largest
71 number of popular votes within that official's own state.

72 If, for any reason, the number of presidential electors
73 nominated in a member state in association with the national
74 popular vote winner is less than or greater than that state's
75 number of electoral votes, the presidential candidate on the
76 presidential slate that has been designated as the national
77 popular vote winner shall have the power to nominate the
78 presidential electors for that state and that state's
79 presidential elector certifying official shall certify the
80 appointment of such nominees.

81 The chief election official of each member state shall
82 immediately release to the public all vote counts or statements
83 of votes as they are determined or obtained.

84 This article shall govern the appointment of presidential
85 electors in each member state in any year in which this
86 agreement is, on July 20, in effect in states cumulatively
87 possessing a majority of the electoral votes.

15-01744-21

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116Article IV

Other provisions.—This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.

Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.

This agreement shall terminate if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

Article V

Definitions.—For purposes of this agreement,

"Chief executive" shall mean the Governor of a State of the United States or the Mayor of the District of Columbia;

"Chief election official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

"Elector slate" shall mean a slate of candidates who have

15-01744-21

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117 been nominated in a state for the position of presidential
118 elector in association with a presidential slate;

119 "Presidential elector" shall mean an elector for President
120 and Vice President of the United States;

121 "Presidential elector certifying official" shall mean the
122 state official or body that is authorized to certify the
123 appointment of the state's presidential electors;

124 "Presidential slate" shall mean a slate of two persons, the
125 first of whom has been nominated as a candidate for President of
126 the United States and the second of whom has been nominated as a
127 candidate for Vice President of the United States, or any legal
128 successors to such persons, regardless of whether both names
129 appear on the ballot presented to the voter in a particular
130 state;

131 "State" shall mean a State of the United States and the
132 District of Columbia; and

133 "Statewide popular election" shall mean a general election
134 in which votes are cast for presidential slates by individual
135 voters and counted on a statewide basis.

136 Section 2. This act shall take effect July 1, 2021.